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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,387	02/21/2001	Makoto Suzuki	1046.1243 (JDH)	5408

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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/788,387	Applicant(s) SUZUKI ET AL.	
	Examiner John M. Villecco	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) 10,11 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-9,12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 20, 2004 have been fully considered but they are not persuasive.
2. Regarding independent claims 1, 7, and 12, applicant has amended each of the claims and has argued that Sato fails to disclose the newly added limitation of image data being inserted in a desirable position of a sequence of image data. The examiner respectfully disagrees with the applicant's position. The examiner believes that Sato does teach the ability to insert the image data into a desirable position with the sequence of image data. As admitted by the applicant on page 7 of the applicant's response to the non-final rejection mailed on December 20, 2004, Sato discloses the ability to either display a newly captured image in a clockwise direction (col. 5, lines 10-16) or always display an image at a predetermined window, which is set as the initial position. (col. 6, lines 35-39). Both of these methods are used to place a captured image in a "desirable" location within a sequence of images. The method of displaying a newly captured image in a location at a clockwise position is desirable since it serves as an efficient way of maintaining and organizing images. The method of always displaying a newly captured image at a predetermined window is desirable because the user can always recognize the last image captured at a glance (col. 6, lines 51-53). This ability to insert an image into a specified location in a sequence of images is interpreted to meet the limitation of inserting image data in a desirable position within the sequence of image data.

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3. For the reasons stated on the previous pages, the rejection from the previous office action will be maintained, with changes made for the newly amended claims. Additionally, applicant has added new claim 16. Please see the new ground of rejection for claim 16, presented on the following pages.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 4, 7, 8, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato (U.S. Patent No. 6,515,704).**

6. Regarding *claim 1*, Sato discloses a method for sensing and displaying captured images. More specifically, Sato discloses a camera which includes a control section (7), an image sensor (1), a memory (5), and a display (9). The camera operates such that upon determination of whether a photographing operation is performed, a preview image, which was previously displayed in section (101) of the display, is sent to the memory (5), processed and then displayed in the periphery section of the display. See column 4, line 59 to column 5, line 8. Inherently, the control section (7) would be used to detect the photographing instruction from the operating section (12). The display area (101) is interpreted to be the first display area and the display areas (102-113) are interpreted to be the second display area. As previously mentioned, Sato

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discloses the ability to either display a newly captured image in a clockwise direction (col. 5, lines 10-16) or always display an image at a predetermined window, which is set as the initial position. (col. 6, lines 35-39). Both of these methods are used to place a captured image in a “desirable” location within a sequence of images. The method of displaying a newly captured image in a location at a clockwise position is desirable since it serves as an efficient way of maintaining and organizing images. The method of always displaying a newly captured image at a predetermined window is desirable because the user can always recognize the last image captured at a glance (col. 6, lines 51-53). This ability to insert an image into a specified location in a sequence of images is interpreted to meet the limitation of inserting image data in a desirable position within the sequence of image data.

7. As for *claim 4*, Sato discloses a second embodiment wherein the newly captured image data are always positioned in a specific location. See column 6, lines 30-53. Additionally, Sato discloses that the previously captured images are shifted in a clockwise direction and redisplayed.

8. *Claim 7* is considered substantively equivalent to claim 1 with the added limitations of the method steps being stored in a storage medium readable by a machine. It is inherent that the control section (7) of Sato includes a storage medium for storing instructions for carrying out the display process. Also, Sato discloses that the functions of the disclosed camera are implemented using readout program codes (col. 8, lines 41-43). Please see the discussion of claim 1 on the previous pages.

9. *Claim 8* is considered substantively equivalent to claim 4. Please see the discussion of claim 4 above.

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10. *Claim 12* is considered substantively equivalent to claim 1. Please see the discussion of claim 1 above.

11. *Claim 13* is considered substantively equivalent to claims 3 and 4. Please see the discussion of claims 3 and 4 above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 5, 9, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (U.S. Patent No. 6,515,704) in view of Bullock et al. (U.S. Patent No. 5,943,050).**

14. Regarding *claim 5*, as mentioned above in the discussion of claim 1, Sato discloses all of the limitations of the parent claim. However, Sato fails to specifically disclose that the images are input from an outside device to the display. Bullock, on the other hand, discloses that it is well known in the art to transmit images from a camera directly to computer monitor for display. More specifically, Bullock discloses a camera (118) connected to computer (100) via cable (117). One of ordinary skill in the art would recognize that outputting images to a computer for display offers a myriad of advantages. Computers generally offer bigger displays and increased image processing capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to download the image from the camera of Sato to a

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computer with a display so that the images can be viewed on a larger monitor and with increased image processing capabilities.

15. **Claim 9** is considered substantively equivalent to claim 5. Please see the discussion of claim 5 on the previous page.

16. **Claim 14** is considered substantively equivalent to claim 5. Please see the discussion of claim 5 on the previous page.

17. With regard to **claim 16**, Sato discloses a method for sensing and displaying captured images. More specifically, Sato discloses a camera which includes a control section (7), an image sensor (1), a memory (5), and a display (9). The camera operates such that upon determination of whether a photographing operation is performed, a preview image, which was previously displayed in section (101) of the display, is sent to the memory (5), processed and then displayed in the periphery section of the display. See column 4, line 59 to column 5, line 8. Inherently, the control section (7) would be used to detect the photographing instruction from the operating section (12). The display area (101) is interpreted to be the first display area and the display areas (102-113) are interpreted to be the second display area. Additionally, since the control section (7) is inherently selecting a position for the image within the image sequence, the examiner is interpreting this as meeting the limitation of automatically storing the image at a selected position. Furthermore, this action would be carried out with a user's instruction to capture an image. Therefore, in accordance with a user's instruction to capture an image generated image data are automatically stored at a selected position of the display sequence.

However, Sato fails to specifically disclose that the images are input from an outside device to the display. Bullock, on the other hand, discloses that it is well known in the art to

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transmit images from a camera directly to computer monitor for display. More specifically, Bullock discloses a camera (118) connected to computer (100) via cable (117). One of ordinary skill in the art would recognize that outputting images to a computer for display offers a myriad of advantages. Computers generally offer bigger displays and increased image processing capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to download the image from the camera of Sato to a computer with a display so that the images can be viewed on a larger monitor and with increased image processing capabilities.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

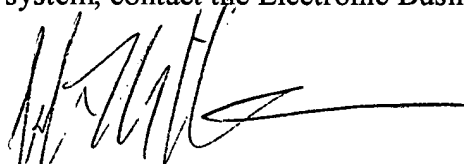
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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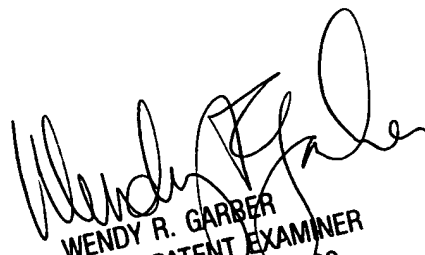
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
May 19, 2005



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